

OCT 10 2017



Federal Communications Commission  
Office of the Secretary

Commissioner Mike Morath

1701 North Congress Avenue • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • tea.texas.gov

September xx, 2017

Chairman Ajit Pai  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

CC: 02-6

EX PARTE OR LATE FILED

Dear Chairman Pai,

On behalf of the Texas public school system, private schools and public libraries affected by Hurricane Harvey, I am writing to request expedited assistance from the Federal Communications Commission and the Universal Service Administrative Company for the repair and restoration of impacted telecommunications networks procured through the E-rate program in Texas.

As you are no doubt aware, Hurricane Harvey devastated portions of Texas and has continued to wreak havoc in the state, from the southern tip of the state to the Texas-Louisiana state line. Harvey made landfall on August 25 at 10 p.m. as a Category 4 hurricane when the eye of the storm came ashore between Port Aransas and Port O'Conner on the coast of mainland Texas near Corpus Christi. A total of 58 counties, almost a quarter of the state's counties, have been declared state and federal disaster areas. These counties include more than 250 school districts, 43 charter schools, and 313 private school. In total over 1.9 million students have been directly impacted and displaced by this devastating storm. Many of these facilities may still be underwater as this letter is written. Many have been destroyed beyond repair and will require complete rebuilding.

Additionally, many entities not in the disaster areas are providing, and may be providing for the foreseeable future, support for those displaced students from outside the local district. In other cases, portions of a district may be underwater while other parts of the district may be providing housing and meals.

On behalf of these entities, the Texas Education Agency (TEA) is requesting the opening of a Special Harvey Funding Window<sup>1</sup> to make funds immediately available. To provide students and communities with needed telecommunications and information services, the TEA is requesting:

- a 90 to 100 percent discount rate for affected entities,
- an extension of forms filing deadlines for all affected entities, including current and future funding year deadlines,
- relaxing of rules to allow for rapid restoration of networks, including extended timelines for construction in areas that were destroyed,
- waive the service substitution requests rules to allow applicants to substitute services in broad categories (telecommunications service, Internet service and internal connections), and

No. of Copies rec'd 0+1  
List ABCDE

- waive the Category 2 Budget limitation of \$150 per student over five years, as all equipment must be replaced in destroyed buildings while temporary networks must be built and provided during the interim.

Since it may be weeks or months before the full extent of damages are known, some affected entities may need to cancel current 471 plans. In some cases, upgrades may not be possible or recommended.

The TEA seeks any other changes in rules or regulations to ease the burdens Hurricane Harvey has placed or may place on all directly and indirectly affected applicants in Texas. Due to the extensive damage, the rebuilding of some schools or libraries may not start until 2019 or even 2020, therefore the TEA requests that funding for rebuilt schools and libraries are able to use the "H" designation to get special relief in Funding Year 2019.

The TEA stands ready to assist in the orderly and efficient coordination of repair and restoration for these vital telecommunications assets. The state assures and attests that no applicant can or should receive more than 100 percent of eligible funding from all combined sources.

Thank you for your consideration. The TEA and all the residents of Texas appreciate the support the FCC staff has given to the telecommunication providers and communities of Texas during this disaster.

Sincerely,



Mike Morath

Commissioner of Education  
Texas Education Agency

---

<sup>1</sup>Following the similar destructive nature of Katrina, the FCC issued the Katrina Order ([https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-05-178A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-05-178A1.pdf)) that provided much needed assistance to Louisiana, Mississippi, and Alabama.